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FIFTH ANNUAL REPORT

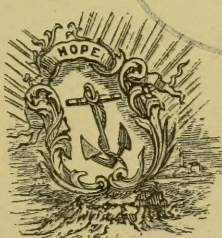
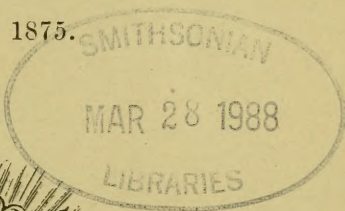
OF THE

Commissioners on Inland Fisheries

MADE TO THE

GENERAL ASSEMBLY AT ITS JANUARY SESSION,

A. D. 1875.



PROVIDENCE:

PROVIDENCE PRESS COMPANY, PRINTERS TO THE STATE.

1875.



*State of Rhode Island and Providence Plantations.*

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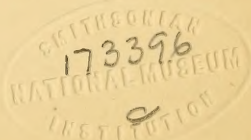
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## REPORT.

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*To the Honorable General Assembly, January Session, 1875:*

The Commissioners of Inland Fisheries beg leave to present their Fifth Annual Report.

The past year has been an encouraging one for our department, on the whole. If we have met with some disappointments, we have at least learned what to avoid in the future; and our successes prompt us to continue the good work during the coming year, with high hopes of doing the State some service. A further supply of young shad and salmon have been placed in all the principal streams of the State this year; the number and location of which is herein specified.

*State Hatching Establishment.* Everything is in excellent order and good repair at the hatching house in Ponegansett. We have retained the services of Mr. Wm. Colwell, who gives his entire time to the superintendence of the establishment, and gives full satisfaction to the Commissioners.

*Salmon.* We received from Mr. Charles G. Atkins, superintendent of the Penobscot Salmon Spawning enterprise at Bucksport, Maine, 125,000 salmon ova, as the share of this State. Professor Spencer F. Baird, sent us on the part of the Government, about 92,000 salmon ova, making a total of 217,000 ova, which arrived in excellent order. About 5 per cent. were lost in hatching, which gave us about 200,000 young. We were unfortunate in losing some by muskrats, but only a comparatively

small number; replaced 35,000 in Wood River; 10,000 in Pawcatuck River; 12,000 in the Slatersville branch of the Blackstone; 25,000 in the south branch of the Pawtuxet, and about 100,000 in the north branch. Very little loss occurred in the distribution. In each of the foregoing streams the salmon were distributed in a number of places.

Three years have passed since we first put salmon in these streams; the first year a comparatively small number only, largely increased the next, and this year more than doubled. Very many young salmon have been seen the past season and we hope for the best for them, but all our streams are so obstructed by dams and polluted by mills, that the fish have a hard fight for existence.

Arrangements have been made for our supply of eggs for this year, and having hatched and distributed the young as heretofore, we propose to incur no great expense at present, but to await results. About the middle of October we received from Professor Baird, United States Commissioner, 100,000 California salmon eggs, as the share of this State in the Government distribution. In hatching these we were unfortunate, losing fully one-third, owing, we think, to the eggs being too far developed when shipped on their long journey. We understand that the Commissioners of the different States, having received salmon ova from the same place, have made the same complaint, excepting Connecticut.

*Shad.* We have to thank Prof. Baird for a large supply of young shad, under whose superintendence the shad hatching has been carried on very extensively at Holyoke, Mass. The young fish were placed in the Blackstone, Pawtuxet, Pawcatuck and Warren Rivers, with hardly any loss, and at the expense only of transportation. We hope for good results, especially in Warren River.

*Trout.* We received from Mr. A. S. Collins, in January last, 24,000 trout eggs to make good the loss in last year's supply, and 30,000 from Robert Holmes, of East Wareham, Mass. The loss in hatching was not over five per cent. We placed about 20,000 in various streams in the State, put a number in the pond at the State Farm, sold a small lot to private parties, and the remainder we placed in five small ponds made for them, to be kept and distributed during the year as occasion warranted.



They did not do well owing to the drying up of the spring that fed the ponds, during the heat of the past summer. We then led a stream from the main river (Ponegansett) into the ponds, but after doing well for a time, the water got too warm, ( $70^{\circ}$ ), and all but about 10,000 died; these we have on hand in good condition. Another year we shall not attempt to keep any trout through the summer.

*Black Bass.* We are glad to be able to report a very happy state of affairs in regard to this excellent fish. Five years ago, the then commissioners, Samuel S. Foss, A. Reed and N. Dexter placed a small number of bass in four ponds, namely Herring, Sneaches, Moswanchicut, and Wanchog; no fishing was allowed for three years, and at the end of that time under restrictions, as per sections 3 and 5 of chapter 137 of the General Statutes. The fish have increased famously, and excellent fishing has been had in all these ponds except Sneaches, where they have not done so well.

Every year since, more ponds have been stocked, as well as streams, and now we are glad to report, that most all of the best waters in every town in the State has a full supply of these fish, even far away Block Island has been remembered, and two ponds stocked there. This year, Blueville pond only, has been stocked with these fish. In the future, when the close time expires from the three years' limitation, we are sure that a plentiful supply of these most excellent game fish will be found, and we shall claim the black bass as a Rhode Island fish hereafter.

The Commissioners have letters from various parties who have been very successful in bass fishing, the past summer, showing beyond a doubt, that our efforts in this branch of our department have been crowned with success.

*Herring.* We wish to say a good word for the much neglected herring, a fish valuable to man, and doubly valuable in the economy of nature, as affording food for other fish. In early summer, in olden time, the herring swarmed in every stream. No matter how insignificant emptying into tide water, these spawned and went their way back rejoicing. Our forefathers took what they wanted, and little dreamed that their descendants would suffer for a lack of them.

But now all is changed, the streams that knew them then, know them no more. Dams have been built, and the herring after vainly seeking a chance to obey nature's laws, and seek fresh water to deposit their spawn, have gone, heaven knows where.

In the few places where they still have access, they fare but little better, for the local inhabitant, in the pious desire to get the best of his neighbors in every way, spreads his nets at the very outlet, where the fish first make their appearance, and sweep every one to the shore.

With them disappear the codfish from our shores, for the cod feeds upon them, and can always be found in the greatest quantity where the herring abound. It has been thoroughly established, that herring do not migrate except from deep water into the fresh streams to deposit their spawn, and it may readily be seen, how their scarcity influences our deep sea fisheries.

In view of these facts, and in the strong hope that it is not too late to retrieve past errors, your Commissioners would strongly urge that some legislation may be had to protect these most prolific fish.

Narrow River, in South Kingstown, and also the Breach, in Charlestown pond, in Charlestown, should be looked to.

To fully establish these fish, a close time would be necessary, for about two years, and after that time, fishing only to a limited extent. No seine to be stretched across the stream, but only a dipnet to be used, also a close time of two days in each week.

We give here for convenience of reference, a list of the Commissioners of Inland Fisheries, of the different States :

#### COMMISSIONERS OF FISHERIES.

##### UNITED STATES.

Prof. Spencer F. Baird ..... Washington, D. C.

##### MAINE.

E. W. Stillwell ..... Bangor.

H. O. Stanley ..... Dixfield.



## NEW HAMPSHIRE.

Oliver N. Noyes.....Henniker.

John S. Wadleigh.....Laconia.

A. C. Fifield .....Enfield.

## VERMONT.

M. C. Edmonds.....Weston.

M. Goldsmith.....Rutland.

## MASSACHUSETTS.

Theodore Lyman.....Brookline.

E. A. Brackett.....Winchester.

Asa French.....South Braintree.

## CONNECTICUT.

Wm. M. Hudson.....Hartford.

Robert G. Pike.....Middletown.

James A. Bill.....Lynn.

## RHODE ISLAND.

Newton Dexter.....Providence.

Alfred A. Reed, Jr.....Providence.

John H. Barden.....Rockland.

## NEW YORK.

Horatio Seymour.....Utica.

Robert B. Roosevelt.....New York City.

Edward M. Smith.....Rochester.

## MICHIGAN.

J. J. Bagley.....Detroit.

George H. Jerome.....Niles.

George Clark.....Ecorse.

## NEW JERSEY.

J. R. Shotwell.....Rakway.

G. A. Anderson.....Trenton.

## VIRGINIA.

Wm. B. Ball..... Mid Lothian.  
Asa Wall..... Winchester.

## ALABAMA.

Chas. S. D. Doster..... Montgomery.  
Robert Tyler..... Montgomery.  
D. R. Huntley..... Courtland.

## CALIFORNIA.

B. B. Redding..... Sacramento.  
S. R. Thockmorton..... San Francisco.  
J. D. Farnell..... San Francisco.

## PENNSYLVANIA.

H. J. Reeder..... Easton.  
B. L. Hewitt..... Holidaysburg.  
J. Duffey..... Marietta.

## OHIO.

John Hussy..... Lockland.  
J. H. Klippart..... Columbus.  
E. T. Sterling..... Cleveland.

## IOWA.

S. B. Evans..... Ottumwa.  
B. F. Shaw..... Anamosa.  
C. A. Haynes..... Waterloo.

## MINNESOTA.

A. W. Latham..... Excelsior.

## DOMINION OF CANADA.

W. T. Whitcher..... Ottawa.  
W. H. Fenning..... St. John.

We herewith submit the financial statement for the year 1874, and would respectfully suggest that the sum of One Thousand Dollars (\$1000), be appropriated to meet the expenses of 1875 :

*State of Rhode Island in account with Commissioners on Inland Fisheries.*

## Dr.

To amount paid subscription to Penobscot Salmon Enterprise,	-	\$400	00
" " " expenses on salmon and black bass from California,	-	56	75
" " " " " salmon to Boston, Bucksport and Slatersville,	- - - - -	16	60
" " " " " salmon and black bass,	- - - - -	49	50
" " " putting salmon in Woods River, Pawtuxet River, and Reservoir above Anthony,	- - - - -	41	95
" " " expenses on shad from Hadley Falls, &c.,	- - - - -	47	50
" " " " putting shad in Pawcatuck River,	- - - - -	5	15
" " " for labor,	- - - - -	499	75
" " " " traveling expenses,	- - - - -	101	80
" " " P. C. Cranston for services as fish warden in Pawtuxet,	- - - - -	50	00
" " " officers for watching ponds,	- - - - -	19	00
" " " for printing notices, &c.,	- - - - -	18	70
" " " " postage,	- - - - -	7	24
" " " " sundry articles, viz: screws, coal, lumber, locks, &c.,	- - - - -	35	33
" " " French & Mackenzie, labor on fish ladder at Pawtuxet,	- - - - -	8	79
		1,358	06
To balance carried forward,	- - - - -	609	34
		<u>\$1,967</u>	<u>40</u>

## Cr.

1874. February 19. By balance of account rendered February 19th, 1874, as on hand,	- - - - -	462	40
By amount of appropriation for the year 1874,	- - - - -	1,500	00
By sale of fish,	- - - - -	5	00
		<u>\$1,967</u>	<u>40</u>
1875. January 30. By balance on hand brought forward,	- - - - -	\$609	34

JOHN H. BARDEN.  
 NEWTON DEXTER.  
 ALFRED A. REED, JR.





# APPENDIX.

## LAWS RELATING TO FISHERIES IN RHODE ISLAND.

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### CHAPTER 134, TITLE XVIII.

SECTION 1. Every person who shall set or draw any seine in any part of the river running from Warren river through the town of Barrington to the dividing line between the town of Barrington and the town of Rehoboth shall forfeit twenty dollars.

SEC. 2. Every person who shall set or draw any seine or net in Easton's pond in Newport and Middletown for the purpose of catching fish, or shall set any such seine or net in the creeks or inlets of said pond above the bridge at Easton's Beach shall be fined twenty dollars or be imprisoned ten days.

SEC. 3. If any person shall set or draw any seine or net in Wickamuct river within half a mile from the place called "the Narrows" he shall forfeit fifteen dollars.

SEC. 4. If any person shall erect or make any weir, pot, or other contrivance to obstruct the course of fish across Puncatest alias Nomquit Pond or any part thereof, or in any river or stream leading into or out of said pond at any time, he shall forfeit ten dollars.

SEC. 5. If any person shall set any hanging or mesh net in Puncatest alias Nomquit pond or in any river leading into or out of said pond from the first day of January to the first day of August in every year, he shall forfeit ten dollars.

SEC. 6. If any person shall erect or continue in Palmer's river above Kelly's bridge any weir, dam or other obstructions to prevent the free passage of fish up said river, he shall forfeit fifteen dollars for the first offence and ten dollars for every twenty-four hours any such weir, or dam, or other obstruction, shall be continued after the first twenty-four hours.

SEC. 7. If any person not at the time an inhabitant of this State shall set or draw any seine or net in Palmer's river above Kelly's bridge

on Thursday, Friday or Saturday of each week, or if any person shall set or draw any seine or net in said river above said bridge on Sunday or between the setting and rising of the sun on any day, he shall forfeit for each offence fifteen dollars.

SEC. 8. If any person not at the time an inhabitant of this State shall set or keep, or cause to be kept or set within any of the waters or upon or within three miles of any shore of this State, more than two pots or nets for the catching of lobsters at any one time he shall forfeit twenty dollars for each offence.

SEC. 9. If any person shall lift or raise any pot or net, set for the catching of lobsters, without the permission of the owner thereof he shall forfeit ten dollars.

SEC. 10. The electors of the town of New Shoreham may in town meeting, called for that purpose, enact such ordinances as they may deem proper, to protect and regulate the taking of shell and other fish in Great Salt pond, and may impose penalties therefor not exceeding twenty dollars fine and three months imprisonment for any one offence.

SEC. 11. The electors of the town of Tiverton may in town meeting, called for that purpose, make such regulations for the preservation of the fish, and may exercise such control over Nomquit pond within the limits of said town, as they may think proper.

SEC. 12. No person shall between the first Monday in October and the first Monday in January erect any weir or draw any seine or net for the purpose of catching or obstructing the passage of fish at or within one hundred and sixty rods of the mouth of Petaquamscut river in South Kingstown; nor shall any person erect or put down any weir, standing seine, or trap seine, or hoop net of any kind either within or across said river at any other season of the year.

SEC. 13. Nothing in the next preceding section shall be construed to prohibit any person from using nets or fishing crafts for the catching of smelts; such as are commonly used in the smelt fishery between the first day of February and the first day of April in every year, or to prohibit the setting of gill nets for bass in said river or pond; provided, that such nets shall not exceed twenty fathoms in length, nor be set within twenty fathoms of each other; nor south of the dividing line between the lands of William G. Watson and George W. Cradell, nor within twenty rods of the narrows that connect the upper and lower ponds; nor shall any person maintain any such standing seine or net in the same place for more than twenty-four hours, if any other person demands the same place for the purpose of setting a like net or drawing a seine therein.



SEC. 14. Every person who shall violate any of the provisions of the next preceding two sections shall be fined not less than twenty or more than fifty dollars for each offence, and shall forfeit the net, seine, boat and other apparatus by him used in such violation.

SEC. 15. Every person who shall set any trap, net, or draw any seine at any time west of a straight line drawn from Quanset Point on the North side of Wickford harbor, to Rooms' Point on the south side of said harbor shall be fined not less than five dollars nor more than twenty dollars; one-half thereof to the use of the complainant, and the other half to the use of the State. Nothing in this section contained shall be construed to prevent surface, bag or purse seine fishing for catching menhaden.

SEC. 16. Every person who shall set any trap, net, or draw any seine at any time west of a line drawn from Calf Pasture Point on the north side of Allen's harbor to Rocky Point on the south side thereof, or west of a line drawn from Pojack Point on the south side of Potawamut river to Marsh Pond on the north side thereof, shall be fined not less than five dollars nor more than twenty dollars; one-half to the use of the complainant and the other half to the use of the State.

SEC. 17. No person shall from the fifteenth day of April to the fifteenth day of June, inclusive of both days, in every year or from the fifteenth day of August to the fifteenth day of December, inclusive of both days in every year, commencing at the rising of the sun on both days, erect any weir, or set or draw any seine or net for obstructing, catching or hauling of fish, within half a mile east of Point Judith ponds breach; meaning the breach for the time being into the sea; or within a point on the west side of said breach, four rods distant from Joseph Champlin's fish house (so called); or within said breach, or within any channel leading to said ponds; or within any branch thereof from the sea; or within a quarter of a mile of the entrance of such channel into said ponds or branches of said ponds; and when the fifteenth day of December happens on Sunday this prohibition shall continue to the rising of the sun on the next succeeding day.

SEC. 18. No weir shall be erected, nor any standing seine or net set across the channel, nor in Point Judith ponds within a quarter of a mile of the following places, viz.: Alden Point near where Saugatucket river flows into the said ponds; Prince's narrows, which connects the upper with the lower ponds; Stromburg Hill on Great Island; High Point (so called), on land of the heirs of Joseph Sherman, and Gooseberry Hole.

SEC. 19. No person shall, between the first Monday in April and the

second Monday in June in every year, commencing at the rising of the sun and ending at the setting thereof, erect any weir or net, or draw any seine or net for the purpose of catching or obstructing the passage of fish, in any part of Point Judith pond south of a line drawn from the most northerly point of Strawberry Hill, on Treat Island, to the most northerly point of High Point in said pond.

SEC. 20. No person shall erect any weir or set or draw any seine or net for the obstructing, catching or hauling of fish within any part of said ponds, or any branch thereof, at any time from the fifteenth day of August to the fifteenth day of December in every year, commencing and ending at the rising of the sun on both of said days.

SEC. 21. No seine or net of any sort shall be used at any time within said ponds or any branch thereof, of over one hundred fathoms long, nor any standing seine or net of over twenty-five fathoms in length.

SEC. 22. No person shall set any standing seine or net at any time within forty rods of any place within said ponds or any branch thereof, where another person may have already set his standing seine or net; nor shall any person maintain any such standing seine or net for more than forty-eight hours if any other person desires to occupy the place.

SEC. 23. Any person violating any provision of the six sections next preceding shall be fined not less than twenty dollars nor more than fifty dollars, and shall also forfeit the boat, seine, net and other apparatus by him used in such violation; one-half of said fine and forfeiture to and for the use of the person so complaining, and the other half to and for the use of the State.

SEC. 24. Every person living without the State who shall take any lobsters, tautog, bass or other fish within the harbors, rivers or waters of this State, for the purpose of carrying them from thence in vessels or smacks, shall be fined ten dollars for every offence and shall forfeit all the fish or lobsters so taken.

SEC. 25. Every person who shall take any fish in any stream or fresh pond, except upon his own land, in any other way than by hook and line, or who shall take or carry away any fish from any private pond, brook, stream or preserve, or any other place made, constructed or used for the purpose of breeding or growing fish therein, without the consent of the proprietor or lessee of such pond, brook, stream or preserve, shall be punished by a fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, but nothing herein contained shall be construed to authorize the taking of any fish from any pond or stream stocked at the expense of the State.

SEC. 26. Every person who shall take any pickerel between the first

day of April and the first day of June in each year ; or any trout between the first day of September and the first day of March in each year, shall forfeit twenty dollars.

SEC. 27. All actions for the violations of the provisions of the preceding two sections, shall be commenced within thirty days after the commission of the offence, and not afterwards.

SEC. 28. If any person shall by any seine or stop net, or otherwise obstruct the channel leading from the sea into Ward's Pond and up through said pond on each side of Watermelon, Gooseberry or Larkin's Islands, he shall forfeit not less than five nor more than twenty dollars.

SEC. 29. Every person who shall erect any dam, weir or other obstruction across Mill Cove in Warwick, or from the mouth of said cove to the pond of fresh water that runs into said cove, or who shall keep up any dam or weir or other obstruction already therein made, and any owner or occupant of lands adjoining said Mill Cove or the stream leading from said pond into said cove, who shall permit any such obstructions to be erected or continued in or upon said cove or stream, whether done, erected or continued by himself or other persons adjacent to his land at any time, between the first day of March and the first day of November in every year, without leaving open through such dam or weir a sufficient way at least four feet in width, for the fish to pass, shall forfeit fifty dollars for each offence.

SEC. 30. Every person who shall fish in said cove, except with a hook and line on Saturday or Sunday, or who shall catch or hinder any alewives coming down said Mill Cove or said stream, or shall therein at any time set any weir or device to prevent the passage of the fish, shall forfeit ten dollars for each offence.

SEC. 31. Every person who shall set or draw any seine or net in said Mill Cove, or off from the mouth thereof to Long Meadow Rocks, or from the mouth thereof to the pond of fresh water that empties into said cove, between the first day of March and the fifteenth day of June, shall for each offence forfeit fifty dollars, and the boat, seines and apparatus by him used in the commission thereof.

SEC. 32. All forfeitures under this chapter shall, where there is no other provision made to the contrary, accrue one-half thereof to the use of the town where the offence shall be committed, and the other half to the use of the person suing for the same.



## CHAPTER 135.

## OF THE FISHING IN PAWCATUCK RIVER.

SEC. 1. No weir or pound or other obstruction shall be erected or continued in the channel of Pawcatuck dividing the States of Rhode Island and Connecticut, so as to interfere with the main channel of said river, upon penalty of twenty dollars for the first offence, and seven dollars for every twenty-four hours, or any less space of time, any such weir or other obstruction shall be continued in the main channel of said river after the first offence.

SEC. 2. No weir or pound shall be erected or continued upon any flat, or other part of the bottom of said river, eastward or westward of the aforesaid channel of said river, between the first day of June and the twentieth day of March, annually, upon penalty of fourteen dollars for the first offence and seven dollars for every succeeding day such weir or pound shall be continued in said river, from the first day of June to the twentieth day of March, annually.

SEC. 3. No person shall fish with mesh or scoop-nets in Pawcatuck river or any of its branches, after sunset on Friday until sunrise on Monday in each week, from the twentieth day of March to the first day of June, annually, and no person shall use more than one net at a time upon penalty of five dollars for every offence.

SEC. 4. All penalties incurred for violation of any of the provisions of this chapter shall accrue, one-half thereof to the complainant, and the other half to the town where the offence is committed.

SEC. 5. The foregoing provisions of this chapter shall be considered as forming a compact with the State of Connecticut, from which this General Assembly shall not depart until the Legislature of the State of Connecticut shall agree with the Legislature of this State to a repeal thereof, alterations therein or additions thereto.

SEC. 6. If any owner of land adjoining Pawcatuck river in this State shall permit any weir, pound or other obstruction to be erected or continued upon any flat or bottom of said river, whether done, erected or continued by himself, servant or lessee, or any other person by his privy or consent, such owner shall be liable for any such breach or violation of the second section of this chapter in the same manner as though the same had been committed by such owner in person.

## CHAPTER 137.

## OF THE INLAND FISHERIES.

SEC. 1. The governor shall appoint three commissioners, to be known as the commissioners of inland fisheries, who shall hold their office three years and until their successors are appointed.

SEC. 2. The commissioners of inland fisheries shall introduce, protect and cultivate fish in the inland waters of the State, and may make all needful regulations for the protection of such fish and shall prosecute for the violation of such regulations. They shall coöperate with the fish commissioners of other states, and they shall make an annual report to the general assembly of their doings with such facts and suggestions in relation to the object for which they are appointed as they may deem proper.

SEC. 3. The said commissioners shall cause a copy of their regulations to be filed in the office of the town clerk of any town in which any waters stocked with fish under the authority of the preceding section of this chapter may be, and to which such regulations may apply, and shall also cause a copy of such regulations to be advertised in some newspaper published in the same county.

SEC. 4. Every person who shall violate any of the regulations made by the commissioners of inland fisheries under the authority of the provisions of the preceding sections of this chapter, or who shall take any fish, fish-spawn or any apparatus used in hatching or protecting fish, from any pond, lake, river or stream, stocked with, or set apart by said commissioners or by private parties for the protection and cultivation of fish, with the consent of the town council of the town where such cultivation is carried on, without the consent of such commissioner, or, if the cultivation of fish be carried on by a private party, without the consent of the person cultivating the same, shall, upon conviction, be fined not exceeding three hundred dollars, or be imprisoned not exceeding six months, or be both fined and imprisoned, in the discretion of the court before which the offender shall be tried.

SEC. 5. Every person who catches any fish or uses any seine for catching fish, within one-half a mile from the mouth or outlet of any fishery set apart as is herein provided, and within any waters into which the waters of such fishery are let out, shall forfeit for the first offence the sum of fifty dollars and for every subsequent offence shall forfeit one hundred dollars, and in addition to the penalties herein provided, shall forfeit all the apparatus by him used in violating the provisions of this section.

SEC. 6. Each of the commissioners of inland fisheries may, personally or by deputy, seize and remove summarily, if need be, all obstructions erected to hinder the passage of migrating fish, or which are illegally erected to obstruct or in any way to impede the growth and culture of fish.

SEC. 7. The prohibition to the catching of fish by hook and line from fisheries stocked as is hereinbefore provided, shall extend and be continued for, and during, the term of three years from and after the time when such fishing was first established.

SEC. 8. One-half of the penalties recovered for violation of the provisions of this chapter shall accrue to the complainant and the other half thereof to the State.

SEC. 9. The commissioners of inland fisheries may take fish from the fisheries hereinbefore referred to for any purpose connected with fish culture, or for scientific observation.

SEC. 10. Each of said commissioners may, in the discharge of his duties, enter upon and pass through or over private property without rendering himself liable in an action of trespass.

SEC. 11. The commissioners of inland fisheries shall be allowed their actual disbursements made in carrying into effect the provisions of this chapter.

## CHAPTER 138.

### GENERAL PROVISIONS FOR THE PROTECTION OF FISHERIES.

SEC. 1. Every person who shall throw into, or deposit in, or cause to be thrown into or to be deposited in any of the public tidewaters of this State or upon the shores of any such tidewaters, any fish offal or any water impregnated with fish, and any person who shall cause any deleterious substance resulting from the smelting or manufacture of copper, or from other manufactures or from other sources, which is destructive to fish, or which repels them from coming into the said public waters, or which shall do anything which tends to drive them therefrom, to be emptied, deposited or run into the said public waters, shall forfeit one hundred dollars.

SEC. 2. Every vessel, craft, boat or floating apparatus of any kind whatever, employed in the procuring of fish oil, or in the dressing of bait for the mackerel fisheries, or the dressing of fish for other purposes, in violation of this chapter, shall be liable for any forfeiture and costs resulting from prosecution hereunder, and the same may be attached on the original writ and held as other personal property attached may be



held, to secure judgment which may be recovered in any action brought to enforce any such forfeiture, and any person upon view of any offence in violation of this chapter, may seize and detain any vessel, craft, boat or floating apparatus, the same to be attached for a period not exceeding six hours.

SEC. 3. Every person who shall boil any menhaden fish, or press any such fish for the purpose of extracting oil therefrom, on board of any vessel on any of the public tidewaters, shall be fined not exceeding fifty dollars.

#### CHAPTER 281.

*An Act in amendment of Chapter 134 of the General Statutes, of certain Fisheries.*

[Passed March 12, 1873.]

SEC. 1. No person, not a member of the Narragansett tribe of Indians, shall, without the consent of the council of said tribe being first obtained, erect any weir or set or draw any seine or net for the obstructing, catching or hauling any fish or take any fish with hook or line or in any manner, in the ponds or other waters within the bounds of the land belonging to said tribe.

SEC. 2. Every person violating the preceding section shall forfeit not less than five nor more than twenty dollars for each offence, to be recovered on complaint made by the commissioner of the Indian tribe, for the benefit of said tribe.

#### CHAPTER 282.

*An Act in amendment of, and in addition to Chapter 137, Title XVIII. of the General Statutes, "Of the Inland Fisheries."*

[Passed March 11, 1873.]

SEC. 1. No person shall take or catch fish of any kind from any of the inland waters of this State set apart by the commissioners of inland fisheries thereof for the cultivation of fish except at such times and in such manner as is hereinafter provided.

SEC. 2. Section 7 of said chapter 137 of the General Statutes of this State is so far amended as to allow the catching of fish through the ice only and with hook and hand-line only, in those ponds set apart for the cultivation of black bass during the months of December, January and February of each and every year from the passage of this act, until the expiration of the three years mentioned in section 7 of said chapter.

SEC. 3. After the expiration of said three years no fish shall be

taken by any person from any waters legally set apart by said commissioners for the cultivation of black bass during the months of March, April and May, and only by hook and hand-line as aforesaid.

SEC. 4. After the expiration of said three years no fish shall be taken by any person from any waters legally set apart by said commissioners for the cultivation of shad or salmon, or within one mile of the outlet of the streams so set apart except from and after the fifteenth day of April until the fifteenth day of July of each and every year, nor at any time except by hook and hand-line, or by not less than three inch mesh nets or seine or seines.

SEC. 5. No person shall take any fish from any of the waters of this State legally set apart for the cultivation of fish during the times allowed to be taken by this act except on Thursdays, Fridays and Saturdays during said term, except in the months of December, January and February.

SEC. 6. Nothing in this act shall prevent the commissioners of inland fisheries from taking fish from any of said waters as is now permitted by section 9 of chapter 137 of the General Statutes.

SEC. 7. Any person violating any of the provisions of this act shall be subject to the penalties for catching fish as imposed by section 5 of said chapter 137, of which this act is an amendment.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect immediately on and after its passage.





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